IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.626 OF 2005

Sunil Balu Pagare & Ors. ...Applicants

Versus

The State of Maharashtra ...Respondent

.....

Mr.Vijay Patil for Applicants.

Mr.R.Y.Mirza, A.P.P. for Respondent.

.....

CORAM: A.M.KHANWILKAR, J.

FEBRUARY 7, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. Learned A.P.P. Mr.Mirza fairly accepts, on instructions, that from the investigation made so far, nothing incriminating has been seized at the instance of the Applicant. The investigation is unable to lead to any circumstance indicating the complicity of the Applicants. The Applicants

are in custody since 16th December 2004. The Applicants have been interrogated on more than one occasion. As there is nothing to connect the Applicants with the commission of the alleged crime, the Applicants cannot be permitted to be detained merely on the basis of the suspicion. The appropriate course, in such matters, ought to be that the Investigating Officer may proceed to arrest the person only upon being prima facie satisfied about the involvement of a person and not merely because the Applicants have been arrested in connection with some other similar crime registered against them. Accordingly, the Applicants are granted bail on the following conditions:

(a) The Applicants are granted bail in connection with C.R.No.110 of 2004 registered with Tembhurni Police Station on executing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) each with two sureties in the like amount.

(b) The Applicants shall report to the concerned Police Station once a week on Saturday between 10.00 a.m. to 2.00 p.m. till the filing

of the charge-sheet and thereafter, as may be directed by the Trial Court.

(c) The Applicants shall not influence the prosecution witnesses or tamper with the prosecution evidence in any manner whatsoever.

(d) The Applicants shall extend full co-operation to the Trial Court for early disposal of the trial and if the Trial Court is of the opinion that the Applicants are responsible for the delay of the trial, that fact be recorded in the Roznama, which will be a ground for cancellation of bail.

3. Application disposed of on the above terms.

A.M.KHANWILKAR, J.